

MAILED

FEB 13 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER BRETSCHNEIDER and RUDOLF SCHUSTER

Application No.10/070,824

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 26, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

Appellants filed an Information Disclosure Statement (IDS) on March 11, 2002, It is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98 as the examiner has not initialed next to each of the references nor signed and dated the 1449 as required.

Accordingly, it is

ORDERED that the application is returned to the examiner for

(1) proper consideration of the IDS filed March 11, 2002,

Application No. 10/070,824

- (2) notification to appellant in writing of consideration, and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



CRAIG FEINBERG
Program and Resource Administrator
(571) 272-9797

cc: YOUNG AND THOMSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

CF/vsh